

ZARCO EINHORN SALKOWSKI & BRITO

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

MELISSA L. BERNHEIM
MIKHAEL ANN BUCHANAN
ALEJANDRO BRITO
ROBERT M. EINHORN
KAARI-LYNN S. GAGNON
HIMANSHU M. PATEL
K. BRIAN ROLLER**
ROBERT F. SALKOWSKI*
MARLON J. WEISS
ROBERT ZARCO

BANK OF AMERICA TOWER
100 SOUTHEAST 2ND STREET
SUITE 2700
MIAMI, FLORIDA 33131

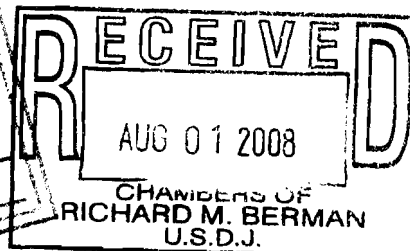
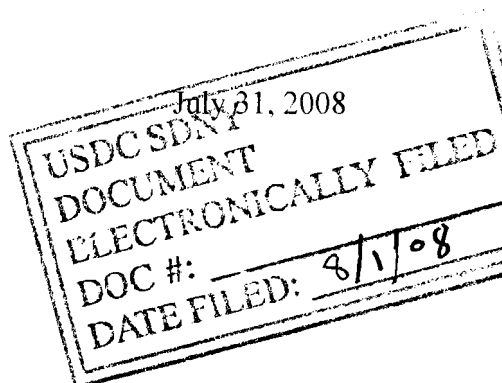
MIAMI
TELEPHONE (305) 374-5418
TELEFAX (305) 374-5428

WEST PALM BEACH
TELEPHONE (561) 721-2861
INTERNET www.zarcolaw.com

*ALSO ADMITTED TO PRACTICE IN NJ
**ALSO ADMITTED TO PRACTICE IN NY

By Priority Overnight Mail

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: *Arcon Solutions, LLC v. East 29th Street, LLC, et al.*
Case No. 08-CV 2050 (RMB)

MEMO ENDORSED

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Dear Judge Berman:

This office is counsel to Plaintiff Arcon Solutions, LLC. By this letter, Plaintiff and Defendants are jointly requesting a 90 day enlargement of the September 9, 2008, discovery deadline and an adjournment of the September 10, 2008 Settlement Conference to a later date. No previous requests for either an extension or an adjournment of these dates have been made.

Since the initial status conference was conducted on April 29, 2008, the parties have been actively engaged in discovery in an attempt to meet the discovery deadline imposed by this Court. Both Plaintiff and Defendants have propounded document requests on each other, and are currently in the process of exchanging a large volume of documents. The parties have also served numerous subpoenas duces tecum on several third-parties, and are currently in the process of receiving documents. However, at least two of these third-parties have requested an extension of the response date, and it is not expected that all of the documents from these third parties will be received until sometime in mid-August.

The parties have also noticed several depositions. Currently, two depositions of third-party witnesses are scheduled in Miami for next week. Also, the depositions of Defendants' corporate representatives have been noticed for August 21 and 22, and the depositions of Mark Gemignani and Mike Falke (Plaintiff's Principals and the Counter-Claim Defendants) have been noticed for August 14 and 15, respectively. However, because of the schedules of the witnesses and counsel, it is anticipated that these depositions will be rescheduled, and the parties are working in good faith to coordinate dates on which the witnesses and counsel are all available. Further, Plaintiff and/or Defendants intend to notice the depositions of several third party witnesses, including employees of the general contractor responsible for the Development

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Project, as well as the architect, and certain former employees of Defendants. It is anticipated however, that these depositions cannot be completed by September 9, 2008. In particular, the parties anticipate the need to conduct several depositions of present and former employees of Defendants in Spain, and the coordination of the depositions based on their locale, as well as the schedules of the parties and their counsel, is frustrating the parties' ability to meet the current discovery deadline.

Needless to say, the parties believe that they have not sat idle since the initial status conference, but have attempted in good faith to meet the discovery deadline imposed by the Court. However, the issues in dispute involve a construction project whose budget exceeds \$60,000,000, making discovery more complicated than in other cases, and it is clear that the parties will need additional time to complete their fact discovery.

Accordingly, the parties respectfully submit the enclosed Stipulation for your consideration and execution. Finally, Plaintiff's counsel, who is located in Miami, respectfully requests that he be permitted to appear by telephone should the Court wish to discuss the subject of this request.


Respectfully submitted,



ROBERT F. SALKOWSKI
Counsel for Plaintiff/Counter-claim Defendants
Admitted *Pro Hac Vice*

Enclosure

cc: T. Soloway, Esq. (counsel for Defendants)
J. Shepard, Esq. (counsel for Defendants)
(by e-mail)

<u>An extension of 45 days is granted.</u>	
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SO ORDERED: Date: <u>8/1/08</u>	 Richard M. Berman, U.S.D.J.

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PROFESSIONAL ASSOCIATION